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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/995,656 | 11/29/2001 | Yosuke Kusaka | 111231 | 2644 |

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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| EXAMINER |
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AGGARWAL, YOGESH K

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| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,656

Applicant(s)

KUSAKA, YOSUKE

Examiner

Yogesh K. Aggarwal

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 8-11, 13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-10, 15, 18-20 rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg et al. (US Patent # 6,628,325).

[Claims 8, 15, 18]

Steinberg et al. teaches an image capturing device (figure 1, camera 12) comprises an image sensor that captures a subject image and generates image data (col. 4 lines 39-42), a memory (36) that stores the image data (col. 11 lines 7-10, box 236, figure 14), and an image storage control unit that transfers the image data stored in the memory to an external device (PC 14) via a communication circuit capable of communicating with the external device to store the image data stored in the memory in the external device (col. 11 lines 23-27, box 242). Steinberg further teaches that after the imaging device establishes a communication network (Wireless communication is taught in col. 4 lines 61-65) with the external device at box 242, it checks to see at box 244 whether the destination is connected and ready. If the destination is not ready, the imaging device will remain in the 'NO' loop and keep the image data within the image-capturing

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device until the destination is ready (col. 11 lines 28-32) and therefore reads on keeps the image data within the image-capturing device if the external device is substantially unusable. [External device is substantially unusable is a very broad term which also includes the device being not ready as taught in the reference].

[Claims 9, 15, 19, 20]

Steinberg teaches that the image storage control unit keeps the image data in a detachable portable memory PCMCIA card (36), which is loaded in the image-capturing device (12) if the external device is substantially unusable (col. 11 lines 28-32).

[Claim 10]

Steinberg teaches in figure 14 (box 242), if the communication with the external device is enabled or not and if the communication is not enabled, the image data will remain within the image capturing device (col. 11 lines 23-27). Wireless communication is taught in col. 4 lines 61-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nanba (US Patent # 6,297,870) in view of Cook (US Patent # 6,788,332).

[Claim 13]

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Nanba discloses an image-capturing device that is an electronic camera (figure 4) comprising an image sensor (303) that captures a subject image and generates image data (col. 4 lines 28-30), a buffer memory (209) that temporarily stores the image data (col. 5 lines 43-49), a connection unit (212) that is a slot (figure 3, element 17) that electrically and detachably connects a portable memory that is a memory card (8) to a main body (col. 5 lines 66-67), a USB communication circuit (213) capable of communicating with an external device (col. 6 lines 1-3). It would be obvious that an image storage control unit (211) will store the image data temporarily into a buffer memory (209) and transfer into the portable memory (8) connected at said connection unit (212). Nanba also teaches transferring the image data temporarily stored at said buffer memory to the portable memory 8 if it is connected at said connection unit (col. 7 line 21-col. 8 line 23, figures 6A-6B). It would be obvious that the image data will be transferred to an external device only if the communication circuit is connected to the camera.

Nanba teaches that the communication I/F 213 is an interface based on, for example, the USB standard, or any other interface for communication for externally connecting to the device like a PC 1000 (col. 6 lines 1-3) but fails to teach a wireless communication medium. However Cook teaches a device 10 (figure 1) having a digital camera (11) with a wireless transceiver (22) in order to transmit images wirelessly (col. 2 lines 34-38).

Therefore taking the combined teachings of Nanba and Cook it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a wireless transceiver inside a digital camera. The benefit of doing so would be to make the digital camera portable as taught in Cook (col. 2 line 20) which means it can be used to transmit images from a rough terrain to a PC wirelessly where no landlines are available.

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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US Patent # 6,628,325) in view of Niwa (US Patent # 6538692).

[Claim 11]

Steinberg teaches the limitations of claim 8 but fails to teach wherein image storage control unit detects whether or not a storage capacity of the external device is sufficient and keeps the image data within the image-capturing device if the storage capacity of the external device is detected to be insufficient.

However Niwa teaches an image recording medium (figure 2, CCD camera 2) having an external recording medium, a unit separate from the image recording medium, coded data is written on the external recording medium 12, space available on the external medium is reduced and, eventually, the available space on the external recording medium 12 becomes less than the amount of coded picture data to be recorded next. At this time, the determination module 30 sends the write disable signal to the external R/W controller 10, and the write enable signal to the internal R/W controller 22. The determination module 30 sends these control signals each time it detects such a condition. These signals prevent coded picture data from being written on the external recording medium 12 and cause it to be written into the internal memory 24. Coded picture data is written into the internal memory 24 until a user issues a stop instruction or until the internal memory 24 becomes full (col. 6 line 55-col. 7 line 5) in order to provide a data storage control method and system that prevent a situation in which recording is interrupted because an external medium becomes full before all intended data is recorded.

Therefore taking the combined teachings of Nanba and Cook it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an image

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storage control unit detects whether or not a storage capacity of the external device is sufficient and keeps the image data within the image-capturing device if the storage capacity of the external device is detected to be insufficient as taught in Niwa in order to provide a data storage control method and system that prevent a situation in which recording is interrupted because an external medium becomes full before all intended data is recorded.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US Patent # 6,628,325) in view of Tamura (JP Patent # 09-37125).

[Claims 16 and 17]

Steinberg teaches the limitations of claim 8 but fails to teach wherein the memory is a buffer memory that temporarily stores the image data and does not keep the image data, which has been transferred to the external device, within the image-capturing device.

However Tamura teaches that after an image is transferred to an external device, a mode changeover switch 12 for setting whether or not the transmission is required and setting whether or not the file is erased after transfer (Paragraphs 19-21, figures 3 and 4) and a buffer memory 4 for keeping the image if it is not erased (Paragraph 17) in order to not keep the image file unnecessarily.

Therefore taking the combined teachings of Steinberg and Tamura it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a buffer memory that temporarily stores the image data and does not keep the image data, which has been transferred to the external device, within the image-capturing device in order to not keep the image file unnecessarily because the memory is normally at a premium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
May 2, 2005


TUAN HO
PRIMARY EXAMINER